

REMARKS

In response to the above-identified Final Office Action (“Action”), Applicant submits the following amendments and remarks and seeks reconsideration thereof. Claims 1-129 are now pending in the present application. Claims 1-129 are rejected in the outstanding Action. In this response, claims 1, 36, 61, 83, 94, 103, 112 and 120 are amended, no claims are added and no claims are cancelled.

I. Claim Amendments

Applicant respectfully submits herewith amendments to claims 1, 36, 61, 83, 94, 103, 112 and 120. The claims are amended to clarify that the automated rating algorithm or client system includes a consideration of a relevance value indicating a relevance of the content descriptors for predicting a user’s selection of the corresponding content pieces and a believability factor indicating an accuracy level of a particular content descriptor in predicting the user’s selection of the corresponding content pieces and the relevance value and believability factor are automatically updated. Support for the amendments to the claims may be found, for example, on pages 26-27 of the application. Accordingly, the amendments are supported by the specification and do not add new matter. Applicant respectfully requests consideration and entry of the amendments to claims 1, 36, 61, 83, 94, 103, 112 and 120.

II. Claim Rejections – 35 U.S.C. 103

In the outstanding Action, claims 1-129 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S Patent Publication 2002/0152474 assigned to Dudkiewicz (“Dudkiewicz”) in view of U.S. Patent No. 6,317,881 issued to Shah-Nazaroff et. al. (“Shah-Nazaroff”).

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest the claimed combination of elements or identify an apparent reason to combine prior art elements in the manner claimed.

In regard to independent claims 1, 36, 61, 83, 94, 103, 112 and 120, Applicant respectfully submits neither Dudkiewicz nor Shah-Nazaroff, alone or in combination, teach or suggest or provide any apparent reason for at least the element of a rating algorithm or client system which generates a rating feedback using a consideration of a relevance value indicating a

relevance of the content descriptors for predicting a user's selection of the corresponding content pieces and a believability factor indicating an accuracy level of a particular content descriptor in predicting the user's selection of the corresponding content pieces and the relevance value and believability factor are automatically updated as recited in amended claims 1, 36, 61, 83, 94, 103, 112 and 120.

Dudkiewicz discloses a system for generating metadata for video programming events. The Examiner has not identified a portion of Dudkiewicz teaching an automated rating algorithm which generates a rating feedback using relevance and believability factors as claimed that are automatically updated. Rather, upon review of Dudkiewicz, it is clear that Dudkiewicz teaches an explicit user feedback system which relies upon the user to score categories in a classification hierarchy to indicate a user's degree of interest in each category. See Dudkiewicz, paragraphs [0076], [0077]. Similarly, Shah-Nazaroff requires explicit-user feedback via a questionnaire sent to the viewer for completion after a broadcast has been received and viewed by the viewer. See Shah-Nazaroff, col. 3, lines 22-55. Accordingly, neither Dudkiewicz nor Shah-Nazaroff, alone or in combination, teach or suggest or provide any apparent reason for at least the element of an automated rating algorithm or client system which generates a rating feedback using a consideration of a relevance value indicating a relevance of the content descriptors for predicting a user's selection of the corresponding content pieces and a believability factor indicating an accuracy level of a particular content descriptor in predicting the user's selection of the corresponding content pieces and the relevance value and believability factor are automatically updated as recited in amended claims 1, 36, 61, 83, 94, 103, 112 and 120.

In regard to dependent claims 2-35, 37-60, 62-82, 84-93, 95-102, 104-111, 113-119 and 121-129, these claims depend from claims 1, 36, 61, 83, 94, 103, 112 and 120 respectively and incorporate the limitations thereof. Thus, for at least the reasons that claims 1, 36, 61, 83, 94, 103, 112 and 120 are not *prima facie* obvious over the cited art, claims 2-35, 37-60, 62-82, 84-93, 95-102, 104-111, 113-119 and 121-129 are further not obvious over Dudkiewicz alone or in combination with Shah-Nazaroff. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-35, 37-60, 62-82, 84-93, 95-102, 104-111, 113-119 and 121-129 under 35 U.S.C. 103 over Dudkiewicz and Shah-Nazaroff.

III. Response to Examiner's Response to Arguments

Applicant respectfully disagrees with the Examiner's reasons for finding that the Declaration pursuant to 37 C.F.R. §1.131 submitted to antedate Dudkiewicz is insufficient to provide a prior inventive date. In the interest of expediting allowance of the claims, however, Applicant submits the above-noted claim amendments including elements which the Applicant believes are not anticipated by or obvious in view of the cited art.

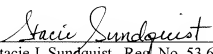
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely, claims 1-129, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on June 26, 2007.


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